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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Klaus-Helmut Müller et al.
SERIAL NO. : 10/603,997
FILED : 25 June 2003 (date granted 5 November 2003)
FOR : HERBICIDAL SULPHONYLAMINO(THIO)CARBONYL COMPOUNDS
ART UNIT : 1625
EXAMINER : Patricia Morris

16 September 2004

Mail Stop: Petitions
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.17(h) - INCORRECT FILING DATE ASSIGNED

SIR:

In response to the USPTO's dismissal (mailed on 16 July 2004) of the applicants' previous petition under 37 CFR § 1.17(h) dated 5 April 2004, please accept this new petition under 37 CFR § 1.17(h) which further explains and offers evidence of the applicants contention that the originally filed items including the specification and claims were in fact deposited with the USPTO and that the applicants should be accorded a filing date of 25 June 2003.

As stated in the petition dismissal of 16 July 2004: "An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence." (i.e. "is more likely than not to have been misplaced"). The applicants present that based on the evidence presented herewith, it is more likely than not that the applicants complied with the filing requirements which entitle them to a filing date of 25 June 2003 and that any missing papers were the result of inadvertent misplacement or loss of papers by the USPTO.

Specifically, applicants submit that they filed a complete application for broadened reissue of U.S. Patent No. 6,251,831 on June 25, 2003. Applicants further submit that such submission included a complete copy of the specification and claims of U.S. Patent No. 6,251,831 in double column patent

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

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